

# Insights



## Hartley West, Steve Kobre and Michael Peng Explore Impact of Recent Second Circuit Decision on Cross-Border Investigations

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San Francisco-based Hartley West and firm co-founder Steven G. Kobre, both former U.S. Department of Justice prosecutors, examine the future of cross-border government enforcement investigations following a Second Circuit decision that applies the Fifth Amendment's prohibition on the use of compelled testimony in criminal proceedings to testimony compelled by a foreign official in a foreign investigation. The authors, who also include San Francisco commercial litigator Michael Peng, analyze the potential impact on cases in the Ninth Circuit and how lawyers can best manage cross-border and parallel government enforcement actions.

The article, "Cross-Border Criminal Investigations Just Became More Complicated," [can be read here](#).